

REMARKS

Claims 1-4, 15 and 16 are pending in the above-referenced application. Claims 5-14 are withdrawn from consideration as being drawn to non-elected inventions. Claims 1-4, 15 and 16 have been rejected under 35 U.S.C. § 112, first paragraph. Claims 1-4, 15 and 16 have been rejected on the grounds of non-statutory obviousness-type double patenting over U.S. Patent No. 6,699,968.

Claim 1 has been amended to recite the phrase “Xac-Z-Ser-Gly-Ser-Gly (SEQ ID NO: 44), wherein Xac represents an amino acid residue having an acidic sidechain, and Z represents from 1 to 10 amino acid residues.” Support for this amendment can be found throughout the Specification as originally filed, or specifically at page 4, lines 15-17. No new matter has been added. Amendment of the claims should in no way be construed as an acquiescence to any of the Examiner’s rejections and was done solely to expedite the prosecution of the application. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s).

In light of the claim amendments and the following remarks, Applicants respectfully request that the Examiner withdraw the rejections and pass this case to issuance.

Rejections of claims 1-4, 15 and 16 under 35 U.S.C. § 112, first paragraph:***Enablement and Written Description***

Claims 1-4, 15 and 16 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention to the full extent of the claims. Claims 1-4, 15 and 16 have also been rejected under 35 U.S.C § 112, first paragraph, as failing to comply with the written description requirement. While Applicants disagree with the rejections, the claims have been amended to expedite prosecution.

The Examiner concedes that the claims are “[enabled] for fusion polypeptides comprising the residues 20-41 of SEQ ID NO: 9, and for fragments thereof that comprise the Xac-Z-Ser-

Gly-Ser-Gly heparan sulfate (HS) binding sequence” Accordingly, the independent claim 1, and claims dependent thereto, have been amended to recite “having the amino acid sequence Xac-Z-Ser-Gly-Ser-Gly (SEQ ID NO: 44), wherein Xac represents an amino acid residue having an acidic sidechain and Z represents from 1 to 10 amino acid residues.” In light of the claim amendments, Applicants respectfully request withdrawal of the enablement and written description rejections.

Non-statutory Double Patenting Rejection

Claims 1-4, 15, and 16 stand rejected under the judicial doctrine of non-statutory obviousness-type double patenting in light of U.S. Patent 6,699,968. To overcome this ground for rejection, a *terminal disclaimer* is submitted in compliance with 37 C.F.R. 1.321(c), as suggested in the Office Action.

CONCLUSION

It is believed that the amended claims are in condition for allowance, and reconsideration is respectfully requested for all the reasons set forth above. The Examiner is urged to telephone the undersigned Attorney for Applicants in the event that such communication is deemed to expedite prosecution of this matter.

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Respectfully submitted,

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